

Forward Plan reference number: Not Applicable

Report title: Proposed Permit Parking Zone Monday to Friday 8am-6pm, Hardy Close, Chelmsford	
Report to: Councillor Bentley, Deputy Leader and Cabinet Member for Infrastructure	
Report author: Andrew Cook, Director for Highways and Transport	
Date: 08/10/2020	For: Decision
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County Divisions affected: Chelmsford West	

1. Purpose of Report

- 1.1 Essex County Council (the Council) has formally advertised its intention to implement a Permit Parking Zone Monday to Friday 8am-6pm restrictions on Hardy Close, Chelmsford (the Proposal). As objections have been received to the Proposal, the Cabinet Member is now asked to decide whether the Proposal should be implemented.

2. Recommendations

- 2.1 To approve the implementation of the Permit Parking Zone Monday to Friday 8am-6pm restrictions on Hardy Close, Chelmsford, as advertised and set out in Appendix 1.

3. Summary of issue

- 3.1 In 2016 the construction of a new residential development comprising of 35 plots was completed by Marden Homes Ltd. Access to the new development is solely via Hardy Close at its junction with Coval Lane. Hardy Close is due to be adopted by an agreement under Section 38 of the Highways Act 1980 to become part of the public maintainable highway. Hardy Close is within a relatively short walking distance of Chelmsford City Centre and transport links and therefore could be subjected to commuter and shopper parking. This can be seen in the location plan set out in Appendix 2.
- 3.2 Coval Lane is already subject to a Permit Parking Zone Monday to Friday 8am-6pm which South Essex Parking Partnership enforce, therefore it is perceived that to maintain consistency of the restrictions and extending this Permit Parking Zone in to Hardy Close would make logical sense to drivers and residents, help to prevent commuter parking and reduce sign clutter.
- 3.3 Marden Homes has put in place a privately operated permit scheme on the estate which is enforceable 24/7 and is free for all residents of Hardy Close.

Proposed Permit Parking Zone Monday to Friday 8am-6pm, Hardy Close, Chelmsford

Once the final certificate of the S38 Agreement has been signed and completed the developer will no longer have jurisdiction over these areas. The private permit parking scheme will only apply to the marked bays on the areas which will be remaining as privately maintainable parking spaces. These areas include the layby on the south side of the carriageway of the northern section of Hardy Close, individual carports of the residents and the bays located at the southern area of the southern section of Hardy Close. It is anticipated that this private permit scheme will continue in operation alongside any agreed restrictions which are implemented on the public highway areas of Hardy Close.

- 3.4 Accordingly in October 2019 Essex County Council advertised proposals for implementing a Permit Parking Zone Monday to Friday 8am-6pm and a small section of No Waiting at Any Time restrictions for junction protection on Hardy Close, Chelmsford in compliance with statutory requirements of Traffic Regulations Act 1984 and the legal procedure of The Local Authorities' Traffic Orders.
- 3.5 Further details of the formal consultation for both the Permit Parking and No Waiting at any time along with details of objections and comments received as well as the responses are set out below for consideration by the Cabinet Member.

Consultation

Permit Parking Zone

- 3.6 In compliance with statutory requirements of Traffic Regulations Act 1984 and the legal procedure of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations the Permit Parking Zone Monday to Friday 8am-6pm proposal with junction protection was advertised in the Essex Chronicle on 17 October 2019 signifying the start of the objection period and closing no less than 21 days later on the 8 November 2019.
- 3.7 The Proposal was also uploaded to the Essex Highways website, public notices displayed along Hardy Close and a letter drop was carried out to 74 nearby properties of the site. The letter explained the proposed changes, justification for the proposals, and a drawing of the proposal (as shown in Appendix 3).
- 3.8 During this consultation period, two emails of support and six objections were received.
- 3.9 Five objectors felt that implementing a permit parking zone throughout Hardy Close would encourage residents to park in a manner which obstructed private driveways/dropped kerbs and carports and would make access particular difficult for those with prams or wheelchairs. Parking in close proximity to properties could also lead to trespassing on private land. Concerns over the permit parking being issued on both sides of the road could also cause access issues for couriers and deliveries. Two of

Proposed Permit Parking Zone Monday to Friday 8am-6pm, Hardy Close, Chelmsford

these objectors specifically requested for No Waiting at Any Time restrictions to be implemented at this location to prevent such issues.

- 3.10 The scheme was designed as a permit zone which does not specify exact locations of where residents can park but provides an area where they can park in suitable locations. However the Council appreciate that this may lead to inappropriate parking which could obstruct private bays. Subsequently No Waiting at Any Time throughout Hardy Close has been proposed.
- 3.11 Four objectors raised the issue relating to the existing privately operated permit scheme in which the current developer has in place for the areas remaining private, this permit parking scheme is free of charge and in place 24/7. The objector preferred this scheme as opposed to the proposed scheme which they would be required to purchase permits and is proposed to be in operation Monday-Friday 8am-6pm.
- 3.12 Marden Homes has put in place a privately operated permit scheme on the estate which is enforceable 24/7 and is free for all residents of Hardy Close. Once the final certificate of the S38 Agreement has been signed and completed the developer will no longer have jurisdiction over these areas. The private permit parking scheme will only apply to the marked bays on the areas which will be remaining private. These areas include the layby on the south side of the carriageway of the northern section of Hardy Close, individual carports of the residents and the bays located at the southern area of the southern section of Hardy Close. For the areas which are being adopted by Essex Highways under a S38 agreement, a permit scheme that can be enforced by the South Essex Parking Partnership is key to remove the likelihood of abuse by commuters. The proposed permit parking scheme will mirror the permit parking restrictions on the surrounding roads and will be incorporated in to the same permit parking zone. This will provide more flexibility to the residents of Hardy Close as well as their visitors.
- 3.13 Councillor Jude Deakin was consulted in relation to the proposal and has confirmed that she is happy to support the proposal which is supported by the majority of the residents. The consultation letter was sent to 74 properties, 6 objections were received. The proposal received fewer objections to the proposed revised scheme to install No Waiting at Any Time throughout the estate as it balances the need to prevent commuter parking with also the flexibility of parking for residents and their visitors.
- 3.14 A full objection report for the Permit Parking zone proposal can be found under Appendix 4.
- 3.15 Following comments received it was decided in April 2020 to advertise a revised proposal to introduce No Waiting at Any Time throughout Hardy Close to appease those who had made comments relating to nuisance parking across private driveways and carports. This is set out in Appendix 5. However due to additional concerns raised by residents with regards to limited options for visitor parking and as the scheme was originally designed as a Permit Parking Zone

Proposed Permit Parking Zone Monday to Friday 8am-6pm, Hardy Close, Chelmsford

Monday to Friday 8am-6pm, it is the recommendation of Essex Highways to proceed with these restrictions as it would prevent commuter parking while still maintaining parking for residents and visitors who have obtained a valid permit from the South Essex Parking Partnership.

No Waiting at any Time

- 3.16 In compliance with statutory requirements of Traffic Regulations Act 1984 and the legal procedure of The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations the No Waiting at Any Time proposal was advertised in the Essex Chronicle on 30 April 2020 signifying the start of the objection period and closing no less than 21 days later on the 22 May 2020.
- 3.17 The Proposal was also uploaded to the Essex Highways website, public notices were displayed along Hardy Close and a letter drop was carried out to nearby properties of the site. The letter explained the proposed changes, justification for the proposals and a drawing of the proposal (as shown in Appendix 6).
- 3.18 During this consultation period, four emails of support and eight objections were received.
- 3.19 Four objectors felt that the restrictions were too onerous and that the residents were being penalised by removing the right to park outside their property. The objectors felt the restriction should be timed to prevent commuter parking while still providing flexibility for residents and their visitors.
- 3.20 Four objectors were concerned that if No Waiting at Any Time restrictions were introduced throughout the development that there would be no allowances for visitor parking. Although one objector did agree that No Waiting at Any Time restrictions should be introduced at the entrance from Coval Lane at narrowest part of the road to prevent the access being blocked by vehicles.
- 3.21 If Permit Parking Zone Monday to Friday 8am-6pm was implemented at this location visitors would be able to obtain visitor permits from the South Essex Parking Partnership therefore allowing them to park within Hardy Close.
- 3.22 The fifth and sixth objector (objector five and six) confirmed they felt the existing private permit parking scheme put in place by the developer worked very well and meets the desired outcome of preventing nuisance commuter parking while still providing ample parking for residents.
- 3.23 As detailed in 3.12 the private permit parking scheme will only apply to the marked bays on the areas which will be remaining private. These areas include the layby on the south side of the carriageway of the northern section of Hardy Close, individual carports of the residents and the bays located at the southern area of the southern section of Hardy

Proposed Permit Parking Zone Monday to Friday 8am-6pm, Hardy Close, Chelmsford

Close. Restrictions therefore need to be introduced that can be enforced by the South Essex Parking Partnership. Having discussed this scheme with the South Essex Parking Partnership it is felt that a permit parking scheme which mirrored the surrounding roads including Coval Lane would be most appropriate and worked well in preventing the area being abused by commuter parking.

- 3.24 A full objection report for the No Waiting at Any Time proposal can be found under Appendix 7.

4. Options

Option A – Continue with the Permit Parking Monday to Friday 8am-6pm scheme as advertised

- 4.1 This is the recommended option. This option fulfils the brief of preventing commuter parking along Hardy Close and also provides the most flexibility in terms of resident and visitor parking. The scheme also provided small extents of No Waiting at Any Time restrictions at the entrance at its junction with Coval Lane and on the northern section of Hardy Close outside No.1 east towards No.30 to prevent obstruction along the narrowest parts of the road. However this option would not satisfy those objectors who stated this would encourage nuisance parking across dropped kerbs/driveways as well as carports. It would also not appease those who prefer the private permit scheme currently in place by the developer which is in operation 24/7 and is free of charge. Essex Highways would support this option as it provides the most flexibility whilst still preventing commuter parking. The restriction also mirrors the existing restrictions on Coval Lane which appears to be successful in providing a balance between resident/visitor needs and preventing nuisance parking. It is however noted that having two permit parking schemes in place, one enforceable by the South Essex Parking Partnership on the sections of public highway for specific times and one enforceable by the developer on private land could be confusing to Civil Enforcement Officers and would need to be clearly marked and signed on site.

Option B – Implement the No Waiting at Any Time scheme throughout Hardy Close

- 4.2 This option would satisfy those who objected to the Permit Parking scheme over concerns of obstruction to dropped kerbs/driveways and carports and would also ensure the estate remains obstruction free at all times. It would also appease those who had concerns with the close proximity of parking to residential properties. It would not however satisfy those who felt that the restrictions was too onerous and did not provide adequate parking facilities for residents and visitors.

Option C – Implement a reduced No Waiting at Any Time scheme leaving a section unrestricted to allow for visitors to park

- 4.3 This option fulfils the brief of preventing commuter parking for the majority of the estate and also would appease those who requested an area for visitors

Proposed Permit Parking Zone Monday to Friday 8am-6pm, Hardy Close, Chelmsford

to park. However the area that could remain unrestricted would be small and as this site is very close to the city centre, having any unrestricted areas could lead to spaces being taken up by commuters or shoppers therefore there would be no guarantee that these could be utilised by residents or visitors. This would also not appease those who felt No Waiting at Any Time was too restrictive and did not provide adequate parking facilities for residents.

5. Issues for consideration

5.1 Financial implications

5.1.1 The funding for the implementation of the scheme and advertising costs have been secured through the developer.

5.1.2 The enforcement of any proposed restrictions following implementation will be delivered through the South Essex Parking Partnership.

5.2 Legal implications

5.2.1 The Road Traffic Regulation Act 1984 gives the Council a statutory duty to exercise its traffic functions to secure the expeditious, convenient and safe movement of traffic of all kinds, including pedestrians and to provide suitable and adequate parking facilities. So far as practical the council is also required to have regard to:

- (a) the desirability of securing and maintaining reasonable access to premises;
- (b) the effect on the amenities of any locality affected so as to preserve or improve the amenities of the areas through which the roads run;
- (c) the importance of facilitating the passage of buses and their passengers.

6. Equality and Diversity implications

6.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

6.2 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or

Proposed Permit Parking Zone Monday to Friday 8am-6pm, Hardy Close, Chelmsford

belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

- 6.3 The equality impact assessment indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic. The Equality Impact Assessment can be found under Appendix 8.

7. List of appendices

- 7.1 Appendix 1 – Proposal details
- 7.2 Appendix 2 – Location Plan
- 7.3 Appendix 3 – Permit Parking Zone Consultation Letter
- 7.4 Appendix 4 – Permit Parking Zone Objection Report
- 7.5 Appendix 5 – No Waiting at Any Time Proposal details
- 7.6 Appendix 6 – No Waiting at Any Time Consultation Letter
- 7.7 Appendix 7 – No Waiting at Any Time Objection Report
- 7.8 Appendix 8 – Equality Impact Assessment
- 7.9 Appendix 9 – Site Photos

8. List of Background papers

- 8.1 Full Consultation Responses

I approve the above recommendations set out above for the reasons set out in the report.	Date
Councillor Kevin Bentley, Deputy Leader and Cabinet Member for Infrastructure	14/10/2020

In consultation with:

Role	Date
Director Highways and Transportation Andrew Cook	08/10/2020
S151 Officer Nicole Wood	Consent not needed
Director, Legal and Assurance (Monitoring Officer) Paul Turner	21/09/2020

Proposed Permit Parking Zone Monday to Friday 8am-6pm, Hardy Close,
Chelmsford

Essex Traffic Manager & Head of Network and Safety Liz Burr	02/09/2020
Head of Design Vicky Presland	07/09/2020